

No. 2365-3 Lab.-67/6732.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Chandigarh in respect of the dispute between the workmen and management of M/s Instruments and Chemicals (P) Ltd., Ambala City.

BEFORE SHRI K. L. GOSAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, CHANDIGARH

Reference No. 24 of 1966

between

The Workmen and the Management of M/s Instruments and Chemical (P) Limited,
Ambala City.

Present.—

Shri Roshan Lal Gupta authorised representative of M/s Instruments and Chemical (P) Limited, Ambala City.
Nemo. for the workmen.

AWARD

An Industrial Dispute having come into existence between the workmen and the management of M/s Instruments and Chemical (P) Limited, Ambala City, over the matters mentioned below, the same was referred for adjudication to the Industrial Tribunal, Punjab, under Clause (d) of sub-section 1 of Section 10 of the Industrial Disputes Act 1947,—*vide* Punjab Government Notification No. 333-SF3-Lab-1-66/16148, dated 27th May, 1966.

- (1) Whether the workmen are entitled to Bonus for the year 1964-65 at a higher rate than the Minimum payable under the Payment of Bonus Act, 1965? If so, with what details?
- (2) Whether the workmen coming for overtime duty or on duty for the night shift, should be provided conveyance? If so, with what details?
- (3) Whether a gratuity scheme should be introduced by the employer for the workmen, and if so, with what details?

Usual notices were issued to the parties by the said Tribunal, and in response to the same, the workmen filed their statement of claims and the management filed their written statement. Necessary issues were framed by the said Tribunal on 16th August, 1966 and the case was posted for evidence for 21st of September, 1966. On that date the management contended that a settlement had been arrived at between the parties and they actually produced the deed of settlement. The alleged settlement had been affected on behalf of the workmen through Shri Om Parkash President of the Union at whose instance the reference had been made and had also been signed by some other workmen. Mr. Didi who appeared on that date for the workmen denied the factum of settlement and alleged that Shri Om Parkash had ceased to be the President of the Union. The Tribunal then recorded evidence on the point which showed that the plea of Mr. Didi was not correct and that Shri Om Parkash had continued to be the President and was actually the President on the date of settlement. While the case was still pending the Punjab Re-organisation Act came into force and the case was transferred to this Tribunal under Section 93 of the said Act. This Tribunal issued notices to the parties informing them that the case would be taken up for further proceedings on 6th March, 1967. No one appeared for the workmen on that date, although service had been affected on their union. I decided to issue another notice to the workmen and this notice was issued for the 24th February, 1967, but no workman appeared even on that date. As a matter of abundant precaution, another notice was issued to the workmen for 10th March, 1967 and no one for the workmen appeared even on that date in spite of service of notice. Ex-parte proceedings were then taken against the union and ex-parte evidence was recorded with regard to the factum of the settlement. From the said evidence I am fully satisfied that settlement as per Ex. M.1. which is the deed of settlement had been affected between the parties and this covers the points in dispute as also certain other points. The deed of settlement is signed by Shri M.K. Jain, Conciliation Officer and by Shri P.N. Puri, Assistant Labour Commissioner, Haryana. This is signed by the representatives of the parties also. The said settlement is binding on the parties and no other relief besides that provided in the settlement is now available to the workmen. The demands of workmen are dismissed except to the extent of relief which has been given to them by the deed of settlement Ex. M.1 which will be published as an annexure to this award and which will be deemed to be part and parcel of the same. The parties will abide by the said settlement. No order as to costs.

K.L. GOSAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

Dated the 23rd March, 1967

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No. 359, dated Chandigarh, the 23rd March, 1967.

The award is submitted to the Secretary, Government, Haryana, Labour and Employment Departments, Chandigarh as required by Section 15 of the Industrial Disputes Act, 1947.

K. L. GOSAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Chandigarh.

MEMORANDUM OF SETTLEMENT BETWEEN THE WORKMEN AND THE MANAGEMENT OF M/S INSTRUMENTS AND CHEMICALS (P) LTD., AMBALA

| | |
|-----------------------|---|
| Name of the Parties | .. Workmen and management of M/s Instruments and Chemicals (P) Ltd., Ambala. |
| Representing Employer | .. Shri A.P. Jolly, Director, M/s Instrument and Chemical (P) Ltd., Ambala. |
| Representing Workmen | .. 1. Shri Om Parkash, President, Scientific Medical Workers Union Regd., Ambala 2. Shri Santa Singh, President 'INCO' Workers Union (Regd.), Ambala 3. Om Parkash, Workman 4. Shri Sadhu Ram, Workman 5. Shri Sita Ram, Workman 6. Shri Mulkh Raj Workman |

} Authorised representatives

SHORT RECITAL OF THE CASE

Whereas an industrial dispute is pending before the Industrial Tribunal, Punjab, Chandigarh and whereas the above representatives of the workers desired to settle the matter by mutual discussions, the parties after mutual discussions have come to following settlement.

TERMS OF SETTLEMENT

1. *Demand No. 1.*—The workmen agree that according to the calculation under the Bonus Act, the Bonus payable comes to 5.9 per cent of the wages. However, the management has paid bonus equal to 8.3 per cent of the wages earned by the workers during the year. The management has agreed not to adjust the extra paid in the subsequent years and the payment already made would be treated in full and final settlement of the claim of bonus to the workmen.

2. *Demand No. 2.*—The demand regarding conveyance during the night shift or over-time etc. is withdrawn by the workers.

3. *Demand No. 3.—Gratuity Scheme.*—The workmen agreed that the financial condition of their establishment is not sound so as to fix a gratuity scheme, however, the management on a request of the workmen as a special case has agreed to grant gratuity in the case of retirement on attaining the age of 60 years and also in case of permanent disablement and death while in service.

The gratuity will be paid in the following manners :—

1. One retirement after completion of 10 years service, one week's wages for every completed year of service.
2. On retirement after 15 years service, 10 days wages for every completed year of service.
3. On retirement after 20 years of service, 15 days wages for every completed year of service.

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4. On total disablement or death while in service, 15 days wages for every completed year of service.
 5. No gratuity will be payable in case of resignation at any time.
 6. The total gratuity under the above clauses shall not exceed $7\frac{1}{2}$ months wages.

The above gratuity scheme shall be absolute and shall not be subject to any change till enactment is made by the Government regarding introduction of gratuity scheme in the Scientific Instrument Industry. In case an pension scheme is enforced by the Government and which is to be borne wholly or partly by the management then the worker would have a option whether to avail of the above gratuity or the pension scheme as the case may be.

Signed on this day the 17th October, 1966 at Chandigarh.

Signatures of the workers representatives

1. (Om Parkash) (Sd.) OM PARKASH
President

2. (Santa Singh) (Sd.) SANTA SINGH
President

3. (Om Parkash) (Sd.) OM PARKASH
Workman

4. (Sadhu Ram) (Sd.) SADHU RAM
Workman

5. (Sita Ram) (Sd.) SITA RAM
Workman

6. (Mulkh Raj) (Sd.) MULKH RAJ
Workman

*Signatures of the Management
Representatives*

1. (Sd.) A. P. JOLLY,
Director.

Witnesses :

1.

2.

A COPY is forwarded to :—

1. The Conciliation Officer, Chandigarh.
2. The Labour Commissioner, Punjab, Chandigarh.
3. The Secretary to Government Punjab, Labour Department Chandigarh.
4. Industrial Tribunal Punjab, Chandigarh, in connection with refer No. 24 of 1966.

No. 2357-3Lab-67/6736.—In pursuance the provisions of Section 17 of the Industrial Disputes Act 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Rohtak in respect of the dispute between the workmen and management of M/s Shibu Metal Works Jagadhri.

BEFORE SHRI HANS RAJ GUPTA, PRESIDING OFFICER,
LABOUR COURT, ROHTAK
Reference No. 59 of 1966

between

The workmen and the management of M/s Shibu Metal Works, Jagadhri

Present:—

Shri Madhu Sudan Sharan on behalf of the workmen.
Shri R.L. Gupta on behalf of the management.

AWARD

An industrial dispute having arisen between the workmen and the management of M/s Shibu Metal Works, Jagadhri, the Government of Haryana by means of their gazette notification No. 44-SFIII-Lab-66/1781, dated 1st December, 1966 and in exercise of the powers conferred on them under Section 10 (1) (c) of the Industrial Disputes Act, 1947 have referred to this Court for adjudication the matter mentioned below:—

Whether the termination of the services of Shri Lachhman Singh is justified and in order ? If not, to what relief he is entitled ?

Usual notices were issued to the parties and in response thereto the workmen filed a statement of claim and the respondent management filed their written statement. The case of the workmen was that the services of the claimant Shri Lachhman Singh had been terminated by the management illegally and wrongfully and he should, therefore, be reinstated in service with back wages and continuity of service. The case of the management was that they never terminated the services of the claimant Shri Lachhman Singh and that he himself resigned his service on 1st March, 1966.

The following two issues were framed in the case:—

1. Whether the claimant Shri Lachhman Singh resigned his job with the respondent ?

2. If issue No. 1 is decided against the management, whether the termination of services of Shri Lachhman Singh is justified and in order ? If not, to what relief he is entitled ?

The case was fixed for evidence of both the parties for today. At today's hearing Shri Madhu Sudan Sharan on behalf of the workmen withdrew the claim of Shri Lachhman Singh and stated that the same may be dismissed as withdrawn. In these circumstances the claim in respect of Shri Lachhman Singh, claimant, is dismissed as withdrawn. The parties are left to bear their own costs of these proceedings.

This award is submitted to the Government of Haryana, Department of Labour as required under section 15 of the Industrial Disputes Act, 1947.

HANS RAJ GUPTA,
Presiding Officer, Labour Court,
Rohtak.

Camp : Ambala Cantt.]
Dated 15th March, 1967.]

The 3rd April, 1967

No. 338-3Lab-67/5262.—Whereas the persons having control over the affairs of Northern Railway Workshop, Kalka, have requested for the grant of exemption from the provisions of Chapter VIII of the Factories Act, 1948 (Central Act No. LXIII of 1948), relating to annual leave wages;

2. And whereas the Governor of Haryana is satisfied that the leave rules applicable to workers in the said factory provide benefits which are not less favourable than those for which Chapter VIII of the Factories Act, 1948 (Act No. LXIII of 1948), makes provision;

3. Now, therefore, in exercise of the powers conferred by section 84 of the Factories Act, 1948 (Act No. LXIII of 1948), the Governor of Haryana is pleased to exempt Northern Railway Workshop, Kalka, from the provisions of Chapter VIII of the said Act, relating to annual leave with wages.

B. L. AHUJA, Secy.

INDUSTRIES DEPARTMENT The 5th April, 1967

No. 3164-4IB-67/5742.—In pursuance of the provisions of section 48 of the Land Acquisition Act, 1894, and all other powers enabling him in this behalf, the Governor of Haryana is pleased to withdraw from the acquisition the land specified below, with respect to which a notification under section 4 of the said Act was issued with Industries Department, notification No. 2(405)-IB(1)-63/5896, dated the 15th March, 1963 and declaratin under section 6 thereof was issued with Industries Department, notification No. 2(405)-IB(1)-63/5901, dated the 18th March, 1963 :—

SPECIFICATION

| District | Tehsil | Village | Khasra Nos. | AREA | |
|----------|---------|---------|---|--------------------------------------|--|
| | | | | Bighas | Biswas |
| Rohtak | Jhajjar | Jhajjar | 391 Part 396 Part 391 Part 371 Part 386 Part 387 Part 390 Full 7110 Part | 0 0 0 0 0 0 0 0 | 13 11 15 11 4 4 14 17 |
| | | | 388 Part 7110 Part | | |
| | | | 388 7111 Full | 0 | 11 |
| | | | 388 389 Full | 0 1 | 6 3 |
| | | | Total | 6 | 9 |

No. 85-2IB-67/6163.—Shri T. N. Chaudry is granted leave for 30 days with effect from the 28th December, 1966. He stands reverted to the Western Railway, Bombay from the date of his leave or from the date he receives his posting orders from the Western Railways, whichever is earlier.

R. N. CHOPRA, Secy.